

In The
Supreme Court of the United States
October Term, 1983

CAPITAL CITIES CABLE, INC.;)
COX CABLE OF OKLAHOMA CITY, INC.;)
MULTIMEDIA CABLEVISION, INC.; and)
SAMMONS COMMUNICATIONS, INC.,)
Petitioners,)
v.)
RICHARD A. CRISP, DIRECTOR,)
OKLAHOMA ALCOHOLIC BEVERAGE)
CONTROL BOARD,)
Respondent.)

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SUPREME COURT, U.S.

No. 82-1795

MOTION FOR DIVIDED ARGUMENT BY PETITIONERS

Pursuant to Rule 38.4 of the Rules of this Court, petitioners move for permission to divide their allotted one-half hour of argument time so as to allow argument by two counsel. More than one counsel should be heard for the following reasons.

1. This case presents novel and important questions concerning the application of the First Amendment to cable television advertising and programming. In addition, the Court has asked petitioners to brief and present argument concerning the preemptive effect of the federal government's superintendence of the cable field. Twenty cable, broadcast, print media, advertising, civil liberties and civic organizations, plus the Federal Communications Commission, have filed eight briefs amici curiae, underscoring the breadth and significance of the issues raised. The petitioners' briefs and those of the amici show that diverse interests will be affected in dissimilar ways by the Court's resolution of the issues.

2. Although petitioners' interests are similar, petitioners' counsel differ in their views as to the relative importance of the arguments and the relative emphasis that should be placed on them at oral argument. Petitioners have submitted two separate briefs to this Court on the merits.

3. While the legal arguments presented in the briefs naturally overlap, counsel propose to divide oral argument in a manner that will not result in duplication. If this motion is granted, the time will be divided equally between Dow, Lohnes & Albertson (Brent N. Rushforth), which would present argument on whether the state action has been preempted by federal laws, regulations, and policies, and on the relationship of the Twenty-first Amendment, and Wilmer, Cutler & Pickering (Timothy B. Dyk), which would present argument on the First Amendment issues. Petitioners believe that this proposal will allow for a sharp and orderly presentation of petitioners' views and will not burden the Court with needless repetition.

4. Respondent has authorized us to state that he does not object to this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November,

1983, one copy of the "Motion for Divided Argument By Petitioners" was mailed, postage prepaid, to counsel of record for the Respondent, Robert L. McDonald, Esquire, Assistant Attorney General for the State of Oklahoma, 112 State Capital Building, Oklahoma City, Oklahoma 73105. I further certify that all parties required to be served under the rules of the Supreme Court of the United States have been served.

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